

D.B. CIVIL SPECIAL APPEAL NO.452/2007
Bhanwar Singh Vs. State of Rajasthan & Ors.

Date : 09.04.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE BHANWAROO KHAN

Mr. Pramendra Bohra for the appellant.
Mr. L.R. Upadhyay, Dy. Government Advocate.

We have heard learned counsel for the parties
on the merit of the appeal.

This appeal is directed against the judgment
of learned Single Judge dated 4.1.2006 refusing to grant
stay of the award of the Labour Court which was under
challenge in the writ petition which was admitted. The
application under Section 17 B has been presented by
the respondent workman along with affidavit that he is
not gainfully employed during this period..

It has been brought to our notice that in the
like circumstances, D.B. Civil Special appeal No.DR(J)
4350/2006 – Madan Lal & Anr. Vs. State of Raj. & Ors.
whereby the learned Single Judge rejected the

application under Section 17-B where there was no interim order staying the award, was allowed by setting aside the order and directing the respondent-employer to pay the wages last drawn by the appellants in terms of Section 17B of the I.D. Act, 1947.

The said judgment has since been followed by the Court in several cases in the like circumstances. Accordingly, this special appeal is allowed. The impugned order dated 4.1.2006 is set aside with the direction to the respondents to pay wages last drawn by the appellant as per Section 17B of the I.D. Act.

No order as to costs.

[BHANWAROO KHAN], J.

[RAJESH BALIA], J.

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Mr. Pramendra Bohra for the appellant.
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Heard learned counsel for the parties.

This appeal is barred by limitation. The application under Section 5 of the Limitation Act has been moved.

Having heard learned counsel for the parties we are satisfied that the appellant was prevented by sufficient cause from filing the appeal within limitation. The delay in filing the appeal is condoned. The application is allowed. The appeal may now be registered.

[BHANWAROO KHAN], J.

[RAJESH BALIA], J.

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